

AMENDED IN SENATE APRIL 10, 2012

AMENDED IN SENATE MARCH 27, 2012

SENATE BILL

No. 1380

Introduced by Senator Rubio

(Principal coauthor: Assembly Member Perea)

February 24, 2012

An act to add Division 13.6 (commencing with Section 21200) to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 1380, as amended, Rubio. Environmental quality: California Environmental Quality Act: bicycle transportation plan.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA requires the lead agencies to make specified findings in an EIR.

Existing law establishes statutes and regulations related to numerous environmental issues.

Existing law authorizes a city, county, or city and county to prepare a bicycle transportation plan that includes specified elements.

This bill would enact the California Public Health and Environmental Standards Act and would require documentation prepared pursuant to CEQA for the bicycle transportation plan to disclose applicable environmental laws, as specified. The bill would prohibit a cause of action from being brought in a judicial proceeding alleging noncompliance with CEQA related to those applicable environmental laws.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Division 13.6 (commencing with Section 21200)
2 is added to the Public Resources Code, to read:

3
4 DIVISION 13.6. CALIFORNIA PUBLIC HEALTH AND
5 ENVIRONMENTAL STANDARDS ACT
6

7 21200. This division shall be known and may be cited as the
8 California Public Health and Environmental Standards Act.

9 21201. The Legislature finds and declares all of the following:

10 (a) A fundamental focus of bicycle transportation planning is
11 to improve the physical health and safety of the bicyclist and the
12 bicyclist's property.

13 (b) Development of bicycle transportation plans has the potential
14 ~~for to do~~ all of the following:

15 (1) ~~Increase~~*To increase* the number of recreational and
16 commuting bicyclists by ensuring a region's bicycle network has
17 the capacity to accommodate bicyclists of all ages and skills.

18 (2) ~~Improve~~*To improve* the health of residents of the state by
19 increasing access to bicycle routes and achieving the functional
20 commuting needs of employees, students, business persons, and
21 shoppers.

22 (3) ~~Promote~~*To promote* the creation of bicycle safety and
23 education programs.

24 (4) ~~Provide~~*To provide* affordable transportation alternatives.

25 (5) ~~Create~~*To create* more livable neighborhoods.

26 (c) According to the American Lung Association:

27 (1) Communities designed around mass transit, walking, and
28 cycling have been shown to reduce greenhouse gas emissions, air

1 pollution, and a range of adverse health outcomes, including traffic
2 injuries, cancers, lung and heart diseases, diabetes, and other
3 chronic health conditions.

4 (2) Residents of walkable and bikeable communities also have
5 significantly lower risk of obesity.

6 (3) Walkable and bikeable mixed-use planning could help
7 California cut over 132,000 tons of air pollution and avoid up to
8 140 premature deaths, 105,000 asthma attacks and other respiratory
9 symptoms, 16,550 workdays lost, and one billion six hundred sixty
10 million dollars (\$1,660,000,000) in health costs in 2035.

11 (d) Notwithstanding the potential substantial costs of litigation
12 challenging the adequacy of a bicycle transportation plan, the
13 creation of bicycle transportation plans requires limited public
14 investment and can improve conditions for bicycling in order to
15 help achieve numerous important health and safety goals.

16 21202. The Legislature finds and declares all of the following:
17 ~~concern~~.

18 (a) The Legislature adopted the California Environmental
19 Quality Act (Division 13 (commencing with Section 21000);
20 ~~hereafter~~ (*hereafter* CEQA) in 1970 in recognition that the
21 maintenance of a quality environment for the people of this state
22 is a matter of statewide *concern*.

23 (b) Guidelines implementing CEQA have evolved and expanded,
24 and currently provide that project impacts be evaluated based on
25 84 criteria covering 17 topics:

26 (1) Air quality.

27 (2) Biological resources including protected species and habitat
28 types.

29 (3) Cultural resources including archaeological resources.

30 (4) Geology and soils including seismic and landslide risk.

31 (5) Greenhouse gas emissions.

32 (6) Hazards and hazardous materials including toxic chemical
33 exposures, brownfields or contaminated site issues, and accident
34 risks.

35 (7) Hydrology and water quality including flooding and sea
36 level rise.

37 (8) Land use planning including consistency with land use plans.

38 (9) Public services including fire and police protection, schools,
39 parks, and other public facilities.

1 (10) Traffic and transportation, including transit, vehicular,
2 bicycle, and pedestrian transportation, emergency access, and
3 roadway safety.

4 (11) Utilities and service systems including wastewater, water
5 supply, stormwater, landfill, and waste management systems.

6 (12) Aesthetics.

7 (13) Agriculture and forestry resources.

8 (14) Mineral resource availability.

9 (15) Noise.

10 (16) Population and housing growth.

11 (17) Recreational resources.

12 (c) In the 40 years following the enactment of CEQA, Congress
13 and the Legislature have each adopted dozens of laws to protect
14 environmental quality in 14 of the 17 topical areas required to be
15 independently evaluated under CEQA. The Legislature has enacted
16 environmental protection laws that are as or more stringent than
17 federal law, and California environmental laws are often at the
18 cutting edge of environmental protection nationally and even
19 globally. These environmental protection laws, all enacted after
20 1970, include, but are not limited to:

21 (1) Air quality including air pollution and toxic air contaminants:
22 the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.) and the
23 *federal Acid Precipitation Act of 1980* (42 U.S.C. ~~Secs.~~ *Sec.* 8901
24 et seq.), and California air quality laws including Division 26
25 (commencing with Section 39000) of the Health and Safety Code,
26 the Protect California Air Act of 2003 (Chapter 4.5 (commencing
27 with Section 42500) of Part 4 of Division 26 of the Health and
28 Safety Code), the Carl Moyer Memorial Air Quality Standards
29 Attainment Program (Chapter 9 (commencing with Section 44275)
30 of Part 5 of Division 26 of the Health and Safety Code), the
31 California Port Community Air Quality Program (Chapter 9.8
32 (commencing with Section 44299.80) of Part 5 of Division 26 of
33 the Health and Safety Code), the California Clean Schoolbus
34 Program (Chapter 10 (commencing with Section 44299.90) of Part
35 5 of Division 26 of the Health and Safety Code), the Air Pollution
36 Permit Streamlining Act of 1992 (Article 1.3 (commencing with
37 Section 42320) of Chapter 4 of Part 4 of Division 26 of the Health
38 and Safety Code), ~~and the California Air Pollution Control Law;~~
39 ~~and air pollution control laws including the Air Toxics “Hot Spot”~~
40 ~~Information and Assessment Law Act of 1987~~ (Part 6 (commencing

with Section 44300) of Part 5 of Division 26 of the Health and Safety Code), the Atmospheric Acidity Protection Act of 1988 (Chapter 6 (commencing with Section 39900) of Part 2 of Division 26 of the Health and Safety Code), the Connelly-Areias-Chandler Rice Straw Burning Reduction Act of 1991 (Section 41865 of the Health and Safety Code), and the Lewis-Presley Air Quality Management Act (Chapter 5.5 (commencing with Section 40400) of Part 3 of Division 26 of the Health and Safety Code).

(2) Biological resources including protected species and habitat types: the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the federal Migratory Bird Treaty Act (16 U.S.C. Sec. 703 et seq.), the federal Bald and Golden Eagle Protection Act (BAGPA) (16 U.S.C. Sec. 668), Section 404(b) of the federal Clean Water Act (33 U.S.C. Sec. 1344(b)), the federal Marine Mammal Protection Act (16 U.S.C. Sec. 1361 et seq.), the federal ~~Invasive Species Act/Nonindigenous~~ *Nonindigenous* Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. Sec. 4701 et seq.), the California Endangered Species Act of 1990 (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), Sections 1602, 3503.5, 3511, 3513, and 4700 of the Fish and Game Code, the Oak Woodlands Conservation Act (Article 3.5 (commencing with Section 1360) of Chapter 3 of Division 2 of the Fish and Game Code), Article 3 (commencing with Section 355) of Chapter 3 of Division 1 of the Fish and Game Code, Division 5 (commencing with Section 5000) of the Fish and Game Code, Division 6 (commencing with Section 5500) of the Fish and Game Code, and subdivision (e) of Section 65302 of the Government Code.

(3) Cultural resources including archaeological resources: Section 106 of the National Historic Preservation Act (16 U.S.C. Sec. 470(f)), the federal American Indian Religious Freedom Act (42 U.S.C. Sec. 1996), Section 7050.5 of the Health and Safety Code, and Section 5097.9.

(4) Climate change and greenhouse gas emissions: the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.), the federal Energy Independence and Security Act of 2007 (42 U.S.C. Sec. 17001 et seq.), the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), Division 26 (commencing with Section 39000) of the Health and Safety Code, the California Alternative and

1 Renewable Fuel, Vehicle Technology, Clean Air, and Carbon
2 Reduction Act of 2007 (Chapter 8.9 (commencing with Section
3 44270) of Part 5 of Division 26 of the Health and Safety Code),
4 the California Energy-Efficient Vehicle Group Purchase Program
5 (Article 1.5 (commencing with Section 43810) of Chapter 4 of
6 Part 5 of *Division 26 of the Health and Safety Code*), Section
7 43018.5 of the Health and Safety Code, and Chapter 728 of the
8 Statutes of 2008.

9 (5) Hazards and hazardous materials including toxic chemical
10 exposures, brownfields or contaminated site issues, and chemical
11 accident risks: the federal Comprehensive Environmental
12 Response, Compensation, and Liability Act *of 1980* (42 U.S.C.
13 Sec. 9601 et seq.), the federal Resource Conservation and Recovery
14 Act *of 1976* (42 U.S.C. Sec. 6901 et seq.), the federal Emergency
15 Planning and Community ~~Right-to-Know~~ *Right-to-Know Act of*
16 *1986* (42 U.S.C. Sec. 11001 et seq.), the federal Pollution
17 Prevention Act *of 1990* (42 U.S.C. Sec. 13101 et seq.), the federal
18 Oil Pollution Act *of 1990* (33 U.S.C. Sec. 2701 et seq.), the federal
19 *Federal Insecticide, Fungicide and Rodenticide Act* (7 U.S.C. Sec.
20 136 et seq.), the federal Toxic Substances Control Act (15 U.S.C.
21 Sec. 2601 et seq.), the federal Asbestos Hazard Emergency
22 Response Act *of 1986* (15 U.S.C. Sec. 2641 et seq.), the federal
23 Lead-Based Paint Exposure Reduction Act (15 U.S.C. Sec. 2681
24 et seq.), the federal Low-Level Radioactive Waste Policy Act (42
25 U.S.C. Sec. 2121b et seq.), the federal Lead Contamination Control
26 Act *of 1988* (42 U.S.C. Sec. 200j-21 et seq.), the Hazardous Waste
27 Control Law (Chapter 6.5 (commencing with Section 25100) of
28 Division 20 of the Health and Safety Code), Chapter 6.7
29 (commencing with Section 25280) of Division 20 of the Health
30 and Safety Code, Sections 25356.1.5 and 25395.94 of the Health
31 and Safety Code, Chapter 6.95 (commencing with Section 25500)
32 of Division ~~26~~ 20 of the Health and Safety Code, the Elder
33 California Pipeline Safety Act *of 1981* (Chapter 5.5 (commencing
34 with Section 51010) of Part 1 of Division 1 of Title 5 of the
35 Government Code), and the Natural Gas Pipeline Safety Act of
36 2011 (Article 2 (commencing with Section 955) of Chapter 4.5 of
37 Part 1 of Division 1 of the Public Utilities Code).

38 (6) Hydrology and water quality including flooding and sea
39 level rise: the federal Water Pollution Control Act *of 1972* (33
40 U.S.C. Sec. 1251 et seq.), the ~~federal~~ *National Contaminated*

1 Sediment Assessment and Management Act (33 U.S.C. Sec. 1271
2 et seq.), the federal Safe Drinking Water Act (33 U.S.C. Sec. 300f
3 et seq.), Section 1602 of the Fish and Game Code, the Integrated
4 Regional Water Management Planning Act (Part 2.2 (commencing
5 with Section 10530) of Division 6 of the Water Code), the
6 Stormwater Resource Planning Act (Part 2.3 (commencing with
7 Section 10560) of Division 6 of the Water Code), the
8 Porter-Cologne Water Quality Control Act (Division 7
9 (commencing with Section 13000) of the Water Code), the Safe
10 Drinking Water and Toxic Enforcement Act of 1986 (Chapter 6.6
11 (commencing with Section 25249.5) of Division 20 of the Health
12 and Safety Code), the Urban Water Management Planning Act
13 (Part 2.6 (commencing with Section 10610) of Division 6 of the
14 Water Code), Part 2.10 (commencing with Section 10910) of
15 Division 6 of the Water Code, the Water Conservation in
16 Landscaping Act (Article 10.8 (commencing with Section 65591)
17 of Chapter 3 of Division 1 of Title 7 of the Government Code),
18 the Storm Water Enforcement Act of 1998 (Chapter 5.9
19 (commencing with Section 13399.25) of Division 7 of the Water
20 Code), the Water—~~Reclamation~~ Recycling Law (Chapter 7
21 (commencing with Section 13500) of Division 7 of the Water
22 Code), Chapter 7.3 (commencing with Section 13560) of Division
23 7 of the Water Code, and Part 2.75 (commencing with Section
24 10750) of Division 6 of the Water Code.

25 (7) Land use planning including consistency with land use plans:
26 the federal Coastal Zone Management Act of 1972 (16 U.S.C. Sec.
27 1451 et seq.), the ~~federal~~ Federal Land Policy and Management
28 Act of 1976 (43 U.S.C. Sec. 1701 et seq.), the federal Forest and
29 Rangeland Renewable Resources Planning and Research Acts Act
30 of 1974 (16 U.S.C. Secs. 1600 to 1614, incl., and 1641 to 1649,
31 incl.), the ~~federal~~ National Forest Management Act (16 U.S.C.
32 Secs. 1600 and 1611 to 1614, incl.), the Planning and Zoning Law
33 (Title 7 (commencing with Section 65000) of the Government
34 Code), the Subdivision Map Act (Division 2 (commencing with
35 Section 66410) of Title 7 of the Government Code), the California
36 Coastal Act of 1976 (Division 20 (commencing with Section
37 30000) of the ~~Public Resources Code~~ this code), the Cortese-Knox
38 Local Government Reorganization Act of ~~2001~~ 2000 (Division 3
39 (commencing with Section 56000) of Part 1 of Division 3 of Title
40 5 of the Government Code), the California Green—~~Buildings~~

1 *Building* Standards Code (Part 11 of Title 24 of the California
2 Code of Regulations), and the California Building Code (Part 2 of
3 Title 24 of the California Code of Regulations).

4 (8) Public services including fire and police protection, schools,
5 parks, solid waste, recycling, and other public facilities: Chapter
6 2 (commencing with Section 17921) of Part 1.5 of Division 13 of
7 the Health and Safety Code, Sections 65996 and 65997 of the
8 ~~Government Code, Section~~ and 66477 of the Government Code,
9 Title 7.3 (commencing with Section 66799) of the Government
10 Code, the Used Oil Recycling Act (Article 9 (commencing with
11 Section 3460) of Chapter 1 of Division 3 of the ~~Public Resources~~
12 ~~Code~~) *this code*), the *California* Beverage Container Recycling
13 and Litter Reduction Act (Division 12.1 (commencing with Section
14 14500), Division 12.3 (commencing with Section 16000), Division
15 12.4 (commencing with Section 16050), and Division 12.7
16 (commencing with Section ~~18000~~) *18000* of *this code*), the
17 Fiberglass Recycled Content Act of 1991 (Division 12.9
18 (commencing with Section ~~19500~~) *19500* of *this code*), the
19 California Integrated Waste Management Act of 1989 (Division
20 30 (commencing with Section ~~40000~~) *40000* of *this code*), the
21 California Fire Code (Part 9 of Title 24 of the California Code of
22 Regulations), and Sections 1270 and 6773 of Title 8 of the
23 California Code of Regulations.

24 (9) Traffic and transportation including transit, vehicular,
25 bicycle, and pedestrian transportation, emergency access, and
26 roadway safety: the federal ~~Safety Safe~~, Accountable, Flexible,
27 Efficient Transportation Equity ~~Act~~ *Act: A Legacy for Users* (23
28 U.S.C. Sec. 101 et seq.), Titles 23 and 49 of the United States
29 Code, and Chapter 2.3 (commencing with Section 65070); Chapter
30 2.5 (commencing with *Section* 65080), and Chapter 2.8
31 (commencing with Section 65088) of Division 1 of Title 7 of *the*
32 Government Code.

33 (10) Utilities and service systems including wastewater, water
34 supply, stormwater, landfill and waste management systems: Part
35 2.10 (commencing with Section 10910) of Division 6 of the Water
36 Code, Part 2.55 (commencing with Section 10608) of Division 6
37 of the Water Code, the Urban Water Management Planning Act
38 (Part 2.6 (commencing with Section 10610) of Division 6 of the
39 Water Code), and the Water Conservation in Landscaping Act

(Article 10.8 (commencing with Section 65591) of Chapter 3 of Division 1 of Title 7 of the Government Code).

(11) Aesthetics: the federal Highway Beautification Act of 1965 (23 U.S.C. Sec. 131), Article 2.5 (commencing with Section 260) of Chapter 1 of Division 1 of the Streets and Highways Code, the Outdoor Advertising Act (Chapter 2 (commencing with Section 5200) of Division 3 of the Business and Professions Code), and subdivision (e) of Section 656302 of the Government Code.

(12) Agriculture: the federal Soil and Water Conservation Act of 1977 (16 U.S.C. Sec. 2001 et seq.) and the Williamson Act (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5 of the Government Code); and forestry resources: the Z'Berg-Nejedly Forest Practice Act of 1973 and corresponding regulations (Chapter 8 (commencing with Section 4511) of Part 2 of Division 4) and Chapter corresponding regulations (Chapter 4 (commencing with Section 895), Chapter 4.5 (commencing with Section 1115), and Chapter 10 (commencing with Section 1600) of Division 1.5 of Title 14 of the California Code of Regulations), Protection of Forest, Range and Forage Lands (Part 2 (commencing with Section 4101) of Division 4), and the Wild and Scenic Rivers Act (Chapter 1.4 (commencing with Section 5093.50) of Division 5).

(13) Mineral resources: the federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. Sec. 1201 et seq.) and the California Surface Mining and Reclamation Act of 1975 (Chapter 9 (commencing with Section 2710) of Division 2).

(14) Noise: the federal Noise Control Act of 1972 (43 U.S.C. Sec. 4901 et seq.), the federal Aviation Safety and Noise Abatement of Aviation Noise Act of 1979 (49 U.S.C. Sec. 47501 et seq.), Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of Title 7 of the Government Code, the California Noise Insulation Standards (Part 2 of Title 24 of the California Code of Regulations), the California Employee Noise Exposure Limits (Article 105 (commencing with Section 5095) of Group 15 of Subchapter 7 of Chapter 4 of Division 1 of Title 8 of the California Code of Regulations).

(d) Over the same 40-year period since the enactment of CEQA, the Legislature has adopted environmental protection laws affecting the three topical areas for which the United States Congress has

1 not taken any action to adopt federal environmental law of general
2 application in California.

3 (1) Geology and soils including seismic and landslide risk; the
4 Alquist-Priolo Earthquake Fault Zoning Act (Chapter 7.5
5 (commencing with Section 2621) of Division-2) *2 of this code*),
6 the Seismic Hazards Mapping Act (Chapter 7.8 (commencing with
7 Section 2690) of Division-2) *2 of this code*), the California Building
8 Code (Title 24 of the California Code of Regulations), Chapter
9 12.2 (commencing with Section 8875) of Division 1 of Title 2 of
10 the Government-Code) *Code*, subdivision (g) of Section 65302 of
11 the Government Code, and the Surface Mining and Reclamation
12 Act of 1975 (Chapter 9 (commencing with Section 2710) of
13 Division-4) *2 of this code*).

14 (2) Population and housing growth: Article 10.6 (commencing
15 with Section 65580) of Chapter 3 of Division 1 of Title 7 of the
16 Government Code and Chapter 13 (commencing with Section
17 75120) of Division-7 *3 43*.

18 (3) Recreational resources: Section 66477 of the Government
19 Code and the State Public Park Preservation Act *of 1971* (Chapter
20 2.5 (commencing with Section 5400) of Division-5) *5 of this code*).

21 (e) Environmental laws and regulations adopted since the 1970
22 enactment of the CEQA are designed to ensure California continues
23 as a national and international leader in protecting the environment,
24 health, safety, and welfare of California and those within its
25 borders.

26 (f) Environmental laws and regulations identify compliance
27 obligations that apply uniformly to similarly situated projects and
28 activities, and provide critical environmental protections that go
29 well beyond the ad hoc review process created by CEQA.
30 Environmental laws and regulations identify compliance
31 obligations of general applicability and thereby provide greater
32 clarity than the project-by-project ad hoc review process that was
33 created for CEQA in 1970.

34 (g) When enacting CEQA and subsequent amendments, the
35 Legislature declared its intent to ensure that all public agencies
36 give major consideration to preventing environmental damage,
37 while providing a decent home and satisfying living environment
38 for every Californian and to create and maintain conditions under
39 which ~~man~~ *humankind* and nature can exist in productive harmony

1 to fulfill the social and economic requirements of present and
2 future generations.

3 (h) In enacting this division, it is the intent of the Legislature
4 to further the purposes of CEQA by integrating environmental
5 laws and regulations adopted over the last 40 years, while avoiding
6 the sometimes conflicting and often duplicative ad hoc
7 environmental review and mitigation requirements under CEQA
8 regarding the development and adoption of a bicycle transportation
9 plan.

10 (i) In enacting this division, it is also the intent of the Legislature
11 to continue to foster public disclosure and informed public
12 participation of the environmental consequences of bicycle
13 transportation plans.

14 (j) In enacting this division, it is not the intent of the Legislature
15 to preclude any local agency, consistent with the jurisdiction and
16 authority of that agency, ~~to condition~~ *from conditioning* approvals
17 of bicycle transportation plans on terms that may require more
18 stringent environmental protections than those required by
19 applicable environmental laws.

20 21203. (a) An environmental document prepared pursuant to
21 the California Environmental Quality Act (Division 13
22 commencing with Section 21000)) for a bicycle transportation
23 plan developed pursuant to Section 891.2 of the Streets and
24 Highways Code shall disclose all applicable environmental laws.

25 (b) For purposes of this division, “standard” means the
26 appropriate level of protection, preservation, enhancement,
27 pollution, reduction, avoidance, or other measure for a topical area
28 requiring analysis and mitigation under the California
29 Environmental Quality Act.

30 (c) *For purposes of this division, “implementing agency” means*
31 *any state agency, board, or commission, any county, city and*
32 *county, city, regional agency, public district, or other political*
33 *subdivision.*

34 (e)
35 (d) For the purposes of this division, “applicable environmental
36 law” is a law related to an environmental topical area listed in
37 subdivision (b) of Section 21202 that is relevant to a bicycle
38 transportation plan and that does ~~at~~ *any* of the following:

39 (1) (A) Includes a policy determination, or directs or authorizes
40 the adoption by an implementing agency of regulations, a plan, or

1 a permit, license, or authorization application and approval process
2 to implement that policy determination, regarding the appropriate
3 standard for a topical area requiring analysis and mitigation under
4 the California Environmental Quality Act.

5 (B) The documentation prepared under the California
6 Environmental Quality Act for a bicycle transportation plan
7 meeting the condition specified in subparagraph (A) shall disclose
8 the applicable compliance requirements of that law, and compliance
9 with the applicable standards for impacts that occur or might occur
10 as a result of approval of the project shall be the exclusive means
11 of evaluating and mitigating environmental impacts under the
12 California Environmental Quality Act regarding the subject of that
13 law, notwithstanding any other provision of law.

14 (2) (A) Identifies analytical methods or approaches, or directs
15 or authorizes the adoption by an implementing agency of
16 regulations, a plan, or permit, license, or authorization application
17 and approval processing procedures and practices that include
18 those analytical methods or approaches, regarding a standard.

19 (B) The documentation for a bicycle transportation plan meeting
20 the conditions specified in subparagraph (A) prepared under the
21 California Environmental Quality Act shall disclose the applicable
22 analytical methods or approaches, and the disclosure of those
23 analytical methods or approaches shall be the exclusive means of
24 evaluating potential project impacts under the California
25 Environmental Quality Act regarding the relevant law,
26 notwithstanding any other provision of law.

27 (3) (A) Identifies permissible practices for mitigating or
28 minimizing adverse impacts to a topical area requiring analysis
29 and mitigation under the California Environmental Quality Act,
30 or directs or authorizes the adoption by an implementing agency
31 of regulations, a plan, or a permit, license, or authorization
32 application and approval processing procedures and practices that
33 include those mitigation or minimization practices, regarding or
34 relating to the mitigation and minimization requirements.

35 (B) The documentation prepared under the California
36 Environmental Quality Act for a bicycle transportation plan
37 meeting the conditions specified in subparagraph (A) shall disclose
38 the applicable mitigation and minimization methods or approaches,
39 and compliance with the mitigation and minimization practices
40 shall be the exclusive means of mitigating environmental impacts

1 under the California Environmental Quality Act regarding the
2 subject of the relevant law, notwithstanding any other provision
3 of law.

4 ~~(d)~~

5 (e) The disclosure obligations set forth in subdivision (c) are
6 intended to foster informed environmental review and public
7 participation in the environmental and public review process
8 required by the California Environmental Quality Act or other
9 applicable laws and regulations, including the Ralph M. Brown
10 Act (Chapter 9 (commencing with Section 54950) of Part 1 of
11 Division 2 of Title 5 of the Government Code).

12 ~~(e)~~

13 (f) (1) An environmental document subject to this division shall
14 only be required to consider environmental topical areas listed in
15 subdivision (b) of Section 21202.

16 (2) This subdivision does not preclude the lead agency from
17 modifying or updating its analytical methodologies for those topical
18 areas.

19 ~~(f)~~

20 (g) (1) A cause of action shall not be commenced under Section
21 21167 for noncompliance with the California Environmental
22 Quality Act based on an environmental topical area listed in
23 subdivision (b) of Section 21202 for which the environmental
24 document ~~subject to prepared for purposes of this division requires~~
25 *discloses a requirement of compliance with an applicable*
26 *environmental law or any regulations, plans, permits, licenses, or*
27 *authorization application and approval processing procedures*
28 *adopted by an implementing agency as directed or authorized by*
29 *the applicable environmental law.*

30 (2) This subdivision does not prohibit a cause of action otherwise
31 authorized by law to enforce compliance with other existing local,
32 state, and federal law.

33 ~~(g)~~

34 (h) This division does not preclude any state agency, board, or
35 commission, or any county, city and county, city, regional agency,
36 public district, redevelopment agency, or other political subdivision
37 from requiring information or analysis of the bicycle transportation
38 plan under consideration, or imposing conditions of approval for

- 1 that plan, under laws and regulations other than this division and
- 2 Division 13 (commencing with Section 21000).

O